

### REMARKS

This amendment is offered in response to the Office Action of April 21, 2008 and is being filed concurrently with an RCE.

The Office Action rejected Claims 1, 2, 4 and 5 under 35 U.S.C. §102(b) as being anticipated by the Leviton reference (U.S. Patent No. 5,965,879). Similarly, the Office Action rejected Claims 4 and 18 under 35 U.S.C. §103(a) as being obvious over the Leviton reference and rejected Claims 6-15, 17 and 19 under 35 U.S.C. §103(a) as being obvious over the Leviton reference in view of the Hinckley reference (U.S. Patent No. 6,844,871).

Apparently, the Office Action expansively interprets a pattern on the edge of the encoder top surface of the Leviton reference as being a circumferential skirt. The Examiner's attention is respectfully drawn to col. 5, lines 60-61 of the Leviton reference wherein the reference states that the encoder pattern uses polar coordinates as opposed to Cartesian coordinates. It is clear from this passage that the pattern is on the top or bottom surface of the disk, not on the side since it is not possible to have polar coordinates on a non-radial surface.

Moreover, it is respectfully submitted that the Leviton reference reads the data from the encoder pattern to determine a rotational position. This is quite different from the presently claimed invention as recited in presently pending Claim 1 which recites "said optical system being positioned to optically acquire surface sequential images from said side circumferential skirt and calculate differences in said sequential surface images thereby determining the direction and magnitude of rotation of said rotatable platter". It is respectfully submitted that the calculation of differences in sequential surface images is different from the reading of an encoded pattern to determine a rotational position.

Similarly, this is quite different from the presently claimed invention wherein the skirt is formed "substantially perpendicular to said top surface" as recited in newly amended Claim 1. By providing the skirt as claimed, the sensor can be mounted on the side, rather than over the top surface, thereby freeing the top surface to allow the user to more fully simulate the action of manipulating a vinyl record. It is respectfully submitted that this is neither taught nor suggested by the Leviton reference. It is further respectfully submitted that nothing in the secondary reference (Hinckley) that would teach or suggest such a modification to the Leviton reference.

It is therefore respectfully submitted that this rejection is overcome. Moreover, Claim 20 has been added which recites that "the controller is used for a disk jockey application".

For all of the reasons above, it is respectfully submitted that all of the presently pending claims are in immediate condition for allowance. The Examiner is respectfully requested to withdraw the rejections of the claims, to allow the claims, and to pass this application to early issue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ronald E. Brown", with a stylized flourish at the end.

Ronald E. Brown  
Registration No. 32,200

Day Pitney LLP  
7 Times Square  
New York, New York 10036-7311  
(212) 297-5800